



General Assembly

January Session, 2007

***Raised Bill No. 7220***

LCO No. 4402

\*04402\_\_\_\_\_PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT CONCERNING THE PRESERVATION OF HISTORIC BARNES  
AND AGRICULTURAL STRUCTURES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2007*):

4 (a) The zoning commission of each city, town or borough is  
5 authorized to regulate, within the limits of such municipality, the  
6 height, number of stories and size of buildings and other structures;  
7 the percentage of the area of the lot that may be occupied; the size of  
8 yards, courts and other open spaces; the density of population and the  
9 location and use of buildings, structures and land for trade, industry,  
10 residence or other purposes, including water-dependent uses as  
11 defined in section 22a-93, and the height, size and location of  
12 advertising signs and billboards. Such bulk regulations may allow for  
13 cluster development as defined in section 8-18. Such zoning  
14 commission may divide the municipality into districts of such number,  
15 shape and area as may be best suited to carry out the purposes of this  
16 chapter; and, within such districts, it may regulate the erection,

17 construction, reconstruction, alteration or use of buildings or  
18 structures and the use of land. All such regulations shall be uniform  
19 for each class or kind of buildings, structures or use of land throughout  
20 each district, but the regulations in one district may differ from those  
21 in another district, and may provide that certain classes or kinds of  
22 buildings, structures or uses of land are permitted only after obtaining  
23 a special permit or special exception from a zoning commission,  
24 planning commission, combined planning and zoning commission or  
25 zoning board of appeals, whichever commission or board the  
26 regulations may, notwithstanding any special act to the contrary,  
27 designate, subject to standards set forth in the regulations and to  
28 conditions necessary to protect the public health, safety, convenience  
29 and property values. Such regulations shall be made in accordance  
30 with a comprehensive plan and in adopting such regulations the  
31 commission shall consider the plan of conservation and development  
32 prepared under section 8-23. Such regulations shall be designed to  
33 lessen congestion in the streets; to secure safety from fire, panic, flood  
34 and other dangers; to promote health and the general welfare; to  
35 provide adequate light and air; to prevent the overcrowding of land; to  
36 avoid undue concentration of population and to facilitate the adequate  
37 provision for transportation, water, sewerage, schools, parks and other  
38 public requirements. Such regulations shall be made with reasonable  
39 consideration as to the character of the district and its peculiar  
40 suitability for particular uses and with a view to conserving the value  
41 of buildings and encouraging the most appropriate use of land  
42 throughout such municipality. Such regulations may, to the extent  
43 consistent with soil types, terrain, infrastructure capacity and the plan  
44 of conservation and development for the community, provide for  
45 cluster development, as defined in section 8-18, in residential zones.  
46 Such regulations shall also encourage the development of housing  
47 opportunities, including opportunities for multifamily dwellings,  
48 consistent with soil types, terrain and infrastructure capacity, for all  
49 residents of the municipality and the planning region in which the  
50 municipality is located, as designated by the Secretary of the Office of

51 Policy and Management under section 16a-4a. Such regulations shall  
52 also promote housing choice and economic diversity in housing,  
53 including housing for both low and moderate income households, and  
54 shall encourage the development of housing which will meet the  
55 housing needs identified in the housing plan prepared pursuant to  
56 section 8-37t and in the housing component and the other components  
57 of the state plan of conservation and development prepared pursuant  
58 to section 16a-26. Zoning regulations shall be made with reasonable  
59 consideration for their impact on agriculture. Zoning regulations may  
60 be made with reasonable consideration for the protection of historic  
61 factors, including the protection of historic barns and agricultural  
62 structures, and shall be made with reasonable consideration for the  
63 protection of existing and potential public surface and ground  
64 drinking water supplies. On and after July 1, 1985, the regulations shall  
65 provide that proper provision be made for soil erosion and sediment  
66 control pursuant to section 22a-329. Such regulations may also  
67 encourage energy-efficient patterns of development, the use of solar  
68 and other renewable forms of energy, and energy conservation. The  
69 regulations may also provide for incentives for developers who use  
70 passive solar energy techniques, as defined in subsection (b) of section  
71 8-25, in planning a residential subdivision development. The  
72 incentives may include, but not be limited to, cluster development,  
73 higher density development and performance standards for roads,  
74 sidewalks and underground facilities in the subdivision. Such  
75 regulations may provide for a municipal system for the creation of  
76 development rights and the permanent transfer of such development  
77 rights, which may include a system for the variance of density limits in  
78 connection with any such transfer. Such regulations may also provide  
79 for notice requirements in addition to those required by this chapter.  
80 Such regulations may provide for conditions on operations to collect  
81 spring water or well water, as defined in section 21a-150, including the  
82 time, place and manner of such operations. No such regulations shall  
83 prohibit the operation of any family day care home or group day care  
84 home in a residential zone. Such regulations shall not impose

85 conditions and requirements on manufactured homes having as their  
86 narrowest dimension twenty-two feet or more and built in accordance  
87 with federal manufactured home construction and safety standards or  
88 on lots containing such manufactured homes which are substantially  
89 different from conditions and requirements imposed on single-family  
90 dwellings and lots containing single-family dwellings. Such  
91 regulations shall not impose conditions and requirements on  
92 developments to be occupied by manufactured homes having as their  
93 narrowest dimension twenty-two feet or more and built in accordance  
94 with federal manufactured home construction and safety standards  
95 which are substantially different from conditions and requirements  
96 imposed on multifamily dwellings, lots containing multifamily  
97 dwellings, cluster developments or planned unit developments. Such  
98 regulations shall not prohibit the continuance of any nonconforming  
99 use, building or structure existing at the time of the adoption of such  
100 regulations. Such regulations shall not provide for the termination of  
101 any nonconforming use solely as a result of nonuse for a specified  
102 period of time without regard to the intent of the property owner to  
103 maintain that use. Any city, town or borough which adopts the  
104 provisions of this chapter may, by vote of its legislative body, exempt  
105 municipal property from the regulations prescribed by the zoning  
106 commission of such city, town or borough; but unless it is so voted  
107 municipal property shall be subject to such regulations.

108 Sec. 2. Subsection (c) of section 8-23 of the general statutes is  
109 repealed and the following is substituted in lieu thereof (*Effective July*  
110 *1, 2007*):

111 (c) In preparing such plan, the commission or any special committee  
112 shall consider the following: (1) The community development action  
113 plan of the municipality, if any, (2) the need for affordable housing, (3)  
114 the need for protection of existing and potential public surface and  
115 ground drinking water supplies, (4) the use of cluster development  
116 and other development patterns to the extent consistent with soil  
117 types, terrain and infrastructure capacity within the municipality, (5)

118 the state plan of conservation and development adopted pursuant to  
119 chapter 297, (6) the regional plan of development adopted pursuant to  
120 section 8-35a, (7) physical, social, economic and governmental  
121 conditions and trends, (8) the needs of the municipality including, but  
122 not limited to, human resources, education, health, housing, recreation,  
123 social services, public utilities, public protection, transportation and  
124 circulation and cultural and interpersonal communications, (9) the  
125 objectives of energy-efficient patterns of development, the use of solar  
126 and other renewable forms of energy and energy conservation, and  
127 (10) protection and preservation of agriculture. The plan may  
128 encourage the preservation of historic barns and agricultural structures  
129 in order to maintain the historic rural character of the state's landscape,  
130 sustain agricultural traditions and provide an attractive scenic  
131 environment for work and recreation.

132 Sec. 3. Subsection (a) of section 10-409 of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective July*  
134 *1, 2007*):

135 (a) With respect to historical preservation, there is established  
136 within the Connecticut Commission on Culture and Tourism,  
137 established under section 10-392, an Historic Preservation Council. The  
138 Historic Preservation Council shall consist of twelve members to be  
139 appointed by the Governor. On or before January fifth in the even-  
140 numbered years, the Governor shall appoint six members for terms of  
141 four years each to replace those whose terms expire. One of such  
142 members shall be the State Historian and one shall be the State  
143 Archaeologist. Members shall be appointed in accordance with the  
144 provisions of section 4-9a. No member shall serve for more than two  
145 consecutive full terms. Any member who fails to attend three  
146 consecutive meetings or who fails to attend fifty per cent of all  
147 meetings held during any calendar year shall be deemed to have  
148 resigned from office. The Governor shall biennially designate one  
149 member of the council to be chairperson. The Governor shall fill any  
150 vacancy for any unexpired portion of the term and may remove any

151 member as provided by section 4-12. No compensation shall be  
152 received by the members of the council but they shall be reimbursed  
153 for their necessary expenses. The Connecticut Commission on Culture  
154 and Tourism may, with the advice of the Historic Preservation  
155 Council, (1) study and investigate historic structures and landmarks,  
156 including historic barns and agricultural structures, in this state and  
157 encourage and recommend the development, preservation and  
158 marking of such historic structures and landmarks found to have  
159 educational, recreational and historical significance; (2) prepare, adopt  
160 and maintain standards for a state register of historic places; (3) update  
161 and keep current the state historic preservation plan; (4) administer the  
162 National Register of Historic Places Program; (5) assist owners of  
163 historic structures in seeking federal or other aid for historic  
164 preservation and related purposes; (6) recommend to the General  
165 Assembly the placing and maintaining of suitable markers, memorials  
166 or monuments or other edifices to designate historic structures and  
167 landmarks found to have historical significance; (7) make  
168 recommendations to the General Assembly regarding the development  
169 and preservation of historic structures and landmarks owned by the  
170 state; (8) maintain a program of historical, architectural, and  
171 archaeological research and development including surveys,  
172 excavation, scientific recording, interpretation and publication of the  
173 historical, architectural, archaeological and cultural resources of the  
174 state; (9) cooperate with promotional, patriotic, educational and  
175 research groups and associations, with local, state and national  
176 historical societies, associations and commissions, with agencies of the  
177 state and its political subdivisions and with the federal government, in  
178 promoting and publicizing the historical heritage of Connecticut; (10)  
179 formulate standards and criteria to guide the several municipalities in  
180 the evaluation, delineation and establishment of historic districts; (11)  
181 cooperate with the State Building Inspector, the Codes and Standards  
182 Committee and other building officials and render advisory opinions  
183 and prepare documentation regarding the application of the State  
184 Building Code to historic structures and landmarks if requested by

185 owners of historic structures and landmarks, the State Building  
186 Inspector, the Codes and Standards Committee or other building  
187 officials; (12) review planned state and federal actions to determine  
188 their impact on historic structures and landmarks; (13) operate the  
189 Henry Whitfield House of Guilford, otherwise known as the Old Stone  
190 House, as a state historical museum and, in its discretion, charge a fee  
191 for admission to said museum and account for and deposit the same as  
192 provided in section 4-32; (14) provide technical and financial assistance  
193 to carry out the purposes of this section and sections 10-410 to 10-416,  
194 inclusive; (15) adopt regulations in accordance with the provisions of  
195 chapter 54 for the preservation of sacred sites and archaeological sites;  
196 and (16) inventory state lands to identify sacred sites and  
197 archaeological sites. The commission shall study the feasibility of  
198 establishing a state museum of Connecticut history at an appropriate  
199 existing facility. The Historic Preservation Council shall (A) review  
200 and approve or disapprove requests by owners of historic properties  
201 on which the commission holds preservation easements to perform  
202 rehabilitation work on sacred sites and archaeological sites; (B) request  
203 the assistance of the Attorney General to prevent the unreasonable  
204 destruction of historic properties pursuant to the provisions of section  
205 22a-19a; and (C) place and maintain suitable markers, memorials or  
206 monuments to designate sites or places found to have historic  
207 significance. The council shall meet monthly. The Connecticut Trust  
208 for Historic Preservation may provide technical assistance to the  
209 council.

210       Sec. 4. (NEW) (*Effective October 1, 2007, and applicable to assessment*  
211 *years commencing on or after October 1, 2007*) (a) As used in this section,  
212 "historic agriculture structure" means a barn or other structure,  
213 including the land necessary for the function of the building, currently  
214 or formerly used for agricultural purposes.

215       (b) The legislative body of any municipality may, by ordinance,  
216 exempt from property taxation any historic barn or agriculture  
217 structure.

218 (c) The exemption provided for in this section shall not apply to a  
219 building which is exempt from taxation pursuant to the provisions of  
220 subsection (b) of section 12-91 of the general statutes, as amended by  
221 this act.

222 Sec. 5. Section 12-91 of the general statutes is repealed and the  
223 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
224 *applicable to assessment years commencing on or after October 1, 2007*):

225 (a) All farm machinery, except motor vehicles, as defined in section  
226 14-1, to the value of one hundred thousand dollars, any horse or pony  
227 which is actually and exclusively used in farming, as defined in section  
228 1-1, when owned and kept in this state by, or when held in trust for,  
229 any farmer or group of farmers operating as a unit, a partnership or a  
230 corporation, a majority of the stock of which corporation is held by  
231 members of a family actively engaged in farm operations, shall be  
232 exempt from local property taxation; provided each such farmer,  
233 whether operating individually or as one of a group, partnership or  
234 corporation, shall qualify for such exemption in accordance with the  
235 standards set forth in subsection (d) of this section for the assessment  
236 year for which such exemption is sought. Only one such exemption  
237 shall be allowed to each such farmer, group of farmers, partnership or  
238 corporation. Subdivision (38) of section 12-81 shall not apply to any  
239 person, group, partnership or corporation receiving the exemption  
240 provided for in this subsection.

241 (b) Any municipality, upon approval by its legislative body, may  
242 provide an additional exemption from property tax for such  
243 machinery to the extent of an additional assessed value of one hundred  
244 thousand dollars. Any such exemption shall be subject to the same  
245 limitations as the exemption provided under subsection (a) of this  
246 section and the application and qualification process provided in  
247 subsection (d) of this section.

248 (c) Any municipality, upon approval by its legislative body, may  
249 provide an exemption from property tax for any building used actually



250 and exclusively in farming, as defined in section 1-1, or for any  
 251 building used to provide housing for seasonal employees of such  
 252 farmer. The municipality shall establish the amount of such exemption  
 253 from the assessed value, provided such amount may not exceed one  
 254 hundred thousand dollars with respect to each eligible building. Such  
 255 exemption shall [not apply to the residence of such farmer and shall]  
 256 be subject to the application and qualification process provided in  
 257 subsection (d) of this section. The exemption provided for in this  
 258 section shall not apply to the residence of such farmer or to an historic  
 259 barn or agricultural structure which is exempt from taxation pursuant  
 260 to an ordinance adopted by a municipality under section 4 of this act.

261 (d) Annually, [within] not later than thirty days after the assessment  
 262 date in each town, city or borough, each such individual farmer, group  
 263 of farmers, partnership or corporation shall make written application  
 264 for the exemption provided for in subsection (a) of this section to the  
 265 assessor or board of assessors in the town in which such farm is  
 266 located, including therewith a notarized affidavit certifying that such  
 267 farmer, individually or as part of a group, partnership or corporation,  
 268 derived at least fifteen thousand dollars in gross sales from such  
 269 farming operation, or incurred at least fifteen thousand dollars in  
 270 expenses related to such farming operation, with respect to the most  
 271 recently completed taxable year of such farmer prior to the  
 272 commencement of the assessment year for which such application is  
 273 made, on forms to be prescribed by the Commissioner of Agriculture.  
 274 Failure to file such application in said manner and form within the  
 275 time limit prescribed shall be considered a waiver of the right to such  
 276 exemption for the assessment year. Any person aggrieved by any  
 277 action of the assessors shall have the same rights and remedies for  
 278 appeal and relief as are provided in the general statutes for taxpayers  
 279 claiming to be aggrieved by the doings of the assessors or board of  
 280 assessment appeals.

281 Sec. 6. (NEW) (*Effective July 1, 2007*) (a) The Connecticut  
 282 Commission on Culture and Tourism, established pursuant to section

283 10-392 of the general statutes, shall administer, in consultation with the  
284 Commissioner of Agriculture, a program of grants to owners of  
285 historic barns and agricultural structures for rehabilitation and repair  
286 of such structures. Grants shall be made through an assistance  
287 agreement signed by the owner.

288 (b) The commission may adopt regulations in accordance with the  
289 provisions of chapter 54 of the general statutes. Such regulations shall  
290 establish requirements for applications and criteria to be used in  
291 awarding grants under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	8-2(a)
Sec. 2	<i>July 1, 2007</i>	8-23(c)
Sec. 3	<i>July 1, 2007</i>	10-409(a)
Sec. 4	<i>October 1, 2007, and applicable to assessment years commencing on or after October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007, and applicable to assessment years commencing on or after October 1, 2007</i>	12-91
Sec. 6	<i>July 1, 2007</i>	New section

***Statement of Purpose:***

To establish a process to preserve historic barns and agricultural structures.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*